

original

LEVINE, BLASZAK, BLOCK & BOOTHBY

1300 CONNECTICUT AVENUE, NW

SUITE 500

WASHINGTON, D.C. 20036-1703

(202) 223-4980

FAX (202) 223-0833

RECEIVED

OCT - 7 1996

Federal Communications Commission
Office of Secretary

October 7, 1996

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: In the Matter of Implementation of the Local Competition
Provisions in the Telecommunications Act of 1996,
CC Docket No. 96-98, et. al.

Dear Mr. Caton:

Pursuant to Sections 1.429 of the Commission's Rules, attached please find an original and 11 copies of the Petition for Clarification of The Washington Post Company of the Second Report and Order, in the above captioned proceeding. Please date stamp the additional copy and return it with our messenger.

If you have any questions regarding this filing, please do not hesitate to call.

Sincerely,

Henry D. Levine

Henry D. Levine

107.02\555\clartr.doc

No. of Copies rec'd
List A B C D E

02 11

original

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

OCT - 7 1996¹

Federal Communications Commission
Office of Secretary

In the Matter of)

Implementation of the Local Competition)
Provisions in the Telecommunications Act)
of 1996)

CC Docket No. 96-98

Interconnection Between Local Exchange)
Carriers and Commercial Mobile Radio Service)
Providers)

CC Docket No. 95-185

Area Code Relief Plan for Dallas and Houston,)
Ordered by the Public Utility Commission)
of Texas)

NSD File No. 96-8

Administration of the North American)
Numbering Plan)

CC Docket No. 92-237

Proposed 708 Relief Plan and 630 Numbering)
Plan Area Code by Ameritech-Illinois)

IAD File No. 94-102

DOCKET FILE COPY ORIGINAL

**PETITION FOR CLARIFICATION OF
THE WASHINGTON POST COMPANY**

The Washington Post Company ("TWP Co.") files this Petition to seek clarification of the Second Report and Order in the above-captioned proceeding's¹ apparent requirement that 10 digits be dialed to complete calls to national 555 numbers in areas served by overlay area codes.

¹ Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report & Order & Mem. Op. & Order, FCC 96-333 (Aug. 8, 1996) ("Second Report and Order").

INTRODUCTION AND BACKGROUND

555 Service

TWP Co. has been working for several years with the Federal Communications Commission (the "FCC" or the "Commission"), the public service commissions of the District of Columbia, Maryland and Virginia, and (with no success) Bell Atlantic to develop a service that would allow TWP Co. and other information services providers to offer low-cost, local information services over the telephone to consumers, initially in the District of Columbia metropolitan area and then throughout the nation.² Securing access via a telephone number that is easy to remember and provides uniform dialing on a regional/national basis is important to ensuring ease of use and access, which is critical to the success of such a product.

The assignment of 555 line numbers was the outcome of "an industry consensus that a unique number set" would be "a solution to identified industry needs. The 555 NXX provides for types of public information service needs which may not be met by current numbering solutions, *e.g.*, 976 and

² See, *e.g.*, *Use of N11 Codes for Access to Telecommunications Relay Services*, IAD File No. 93-02, Comments of The Washington Post Company (Nov. 22, 1993) and Reply Comments of The Washington Post Company (Dec. 8, 1993); *N11 Codes and Other Dialing Abbreviated Arrangements*, CC Docket No. 92-105, IAD File No. 94-101, Comments of Cox Enterprises, Inc., Advance Publications, Inc., Gannett Co., Inc., The Hearst Corporation and The Washington Post Company (the "Media Parties") (Aug. 19, 1994), Reply Comments of the Media Parties (Sept. 23, 1994); *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Oral Ex Parte Presentation (Oct. 21, 1995). "Low-cost" for this purpose refers to services that cost, on average, less than \$.50 for a five minute call.

900.”³ The 555 NXX Assignment Guidelines encompass both national and non-national numbers; a national number is “a unique line number in the 555 NXX assigned to an entity for use in all or most of the geographic NPAs in the NANP Area.”⁴ The technical service interconnection arrangements developed by the Industry Carriers Compatibility Forum (“ICCF”) contemplate that “555’ numbers assigned on a national basis could be dialed using only 7 digits from any location in an NPA . . . in which appropriate technical service interconnection arrangements have been ordered and deployed.”⁵ The principal value of national 555 numbers is the ease of recall and access that accompanies the ability to complete nationwide calls by dialing 7 digits.

10-Digit Dialing

One of the issues addressed by the Commission in the Second Report and Order was ensuring “that competition will not be deterred in overlay area codes as a result of dialing disparity.”⁶ To that end, the Commission

³ Industry Carriers Compatibility Forum, 555 NXX Assignment Guidelines, INC 94-0429-002, pp. 3, 6 (“The intended use for 555 numbers . . . include the provisioning of information services . . .”) (“INC Guidelines”).

⁴ *Id.* at 4. TWP Co. has sought and received assignment of several 555 line numbers, including a nationwide assignment of 555-POST (555-7678).

⁵ Industry Carriers Compatibility Forum, 555 Technical Service Interconnection Arrangements, ICCF 96-0411-014, at 3 (“ICCF Arrangements”). Because 555 will *not* be assigned as a geographic NPA, it will be technically feasible to analyze, translate and route national 555 calls even if only 7 digits are dialed. Although not bound by industry consensus, the Commission has repeatedly expressed its support for the industry consensus process and desire not to revisit consensus determinations absent a strong showing of need. *See, e.g., Southern New England Telephone Company Expedited Petition for Emergency Interim Relief, Preliminary Injunction and Stay*, Report and Order, 10 FCC Rcd 13194 (1995).

⁶ *Second Report and Order*, ¶ 287.

decided to "permit all-services overlay plans only when they include . . . mandatory 10-digit local dialing by all customers between and within area codes in the area covered by the new code."⁷ The requirement is designed to minimize customer confusion and eliminate the barrier to changing carriers that would otherwise be created when new exchange service providers are forced to assign their customers numbers in the new overlay area code, forcing those customers to dial 10 digits more often than the incumbent's customers and requiring most callers seeking to reach those customers to dial 10 digits instead of 7.⁸

ARGUMENT

TWP Co. does not take exception to the FCC's conclusions with respect to competition in areas that are assigned overlay area codes. It does believe, however, that requiring 10-digit dialing in areas served by such codes is inherently inapplicable to national 555 numbers, which -- like 800 numbers -- are assigned to subscribers and not carriers. The issue is important because the development of low-cost information services is in the public interest, and enforcement of the requirement would be extremely detrimental to efforts to develop and market such services using national 555 numbers.

⁷ *Id.*, ¶ 286.

⁸ *Id.*, ¶ 287.

A. The Competitive Concerns that Led the FCC to Impose the 10-Digit Dialing Requirement Do Not Apply to National 555 Numbers.

Any customer -- whether its local exchange carrier is the incumbent or a new entrant -- would be able to reach a national 555 number subscriber by dialing 7 digits.⁹ Carving national 555 numbers out from the 10-digit dialing plan would therefore not deter competition in local markets.

B. Imposing a 10-Digit Dialing Requirement on Calls to National 555 Numbers Would Severely Hamper the Development of Services that will Serve the Public Interest.

National 555 numbers were developed and assigned to provide abbreviated, uniform national dialing, a goal that cannot be reached if the FCC imposes a 10-digit dialing requirement on such numbers.¹⁰ Abbreviated and uniform national dialing is important because public demand for information services depends on quick access, ease and flexibility of use. Judged by these criteria, access based upon national 555 numbers would be substantially superior to schemes that require a consumer to dial eleven or more digits that vary depending upon where the consumer is when s/he places the call.

⁹ This requires that a database like the 800 database be made available to all telephone companies for query so that calls to 555 numbers can be analyzed, translated to an appropriate 7 or 10 digit number, and routed. Such a database is contemplated by the ICCF Arrangements. ICCF Arrangements at 12-13.

¹⁰ Information service providers, including TWP Co., have sought state and FCC approval for the use of N11 codes for this purpose, but the docket in which that is to be addressed -- *The Use of N11 Codes and Other Abbreviated Dialing Arrangement*, CC Docket No. 92-105 -- has been languishing at the Commission for five years, and states outside of the BellSouth region have generally refused to authorize such use absent FCC action.

The proliferation of low-cost information services that provide value to consumers and are easily accessible is decidedly in the public interest.

Nationwide 555 numbers will give the public easy access to services for which there is demonstrated public demand, will help to spur the development and deployment of innovative services, and will broaden access to information resources that can be marshaled and delivered at low cost but not for free.

Allowing entities who are willing to compensate the local telephone company to use 555 numbers as access vehicles to their services would also promote more efficient use of the public switched network and provide an additional revenue stream that can be used to benefit local telephone ratepayers.

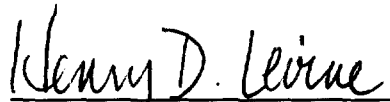
For these purposes, 555 numbers are more attractive than the available alternatives. Information services based on nationwide 555 numbers would be able to deliver information with fewer dialed digits and greater flexibility than services based upon dialing arrangements like 976, 900, or 950 numbers. Moreover, experience with 900 (the "area code" assigned to eleven-digit national pay-per-call services) and 976 (the local exchange assigned to seven-digit local pay-per-call services) has brought to light a number of problems. These problems include high-cost (which discourages use), chronic problems with unauthorized use, and a tendency to attract information service providers whose services are -- at best -- frowned upon by the community. TWP Co. hopes that 555-based services will come to be associated in the public's mind with low cost (e.g., the 25¢-50¢ per call generally charged for directory assistance). When combined with ease of use and flexibility, the image of modest charges

(assuming that it is made to correspond with reality) makes 555 an appropriate access vehicle for broad-based, low-cost information services aimed at the general public.

CONCLUSION

For the foregoing reasons, TWP requests that the Commission clarify the Second Report and Order in this docket to exempt national 555 numbers from the requirement that 10-digit dialing be employed for all calls in areas served by overlay area codes.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Henry D. Levine". The signature is written in a cursive style with a horizontal line underneath.


Henry D. Levine
D.E. Boehling
Levine, Blaszak, Block & Boothby
1300 Connecticut Avenue, NW #500
Washington, D.C. 20036
202-223-4980

Counsel for
The Washington Post Company

October 7, 1996

Certificate of Service

I, Andrew Baer, hereby certify that true and correct copies of the preceding Petition for Clarification of the Washington Post Company in the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, were served this 7th day of October, 1996, via hand delivery, upon the Secretary of the Federal Communications Commission and ITS.

A handwritten signature in black ink, appearing to read "Andrew Baer", is written over a horizontal line.

Andrew Baer

October 7, 1996